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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 001092

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SUBJECT: NEPAL: ELECTION COMMISSION HAS PLAN BUT LACKS LAWS  
AND SECURITY

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

1. (C) Chief Election Commissioner Bhoj Raj Pokharel told visiting Assistant Secretary for Democracy, Human Rights and Labor Barry Lowenkron and Ambassador Moriarty May 31 that the externalities, including the uncertain security situation and the absence of election legislation, were the Election Commission's (EC) biggest challenges. Pokharel reported that the Eight-Party Alliance appeared to have reached an informal understanding on a new date in November for the Constituent Assembly election. Pokharel stressed that the work of the EC would be stalled until the Interim Parliament passed the necessary legislation defining the electoral process. The Chief Commissioner described election security as the largest obstacle to a successful, free and fair election. He also detailed the EC's plans for voter education, outreach and polling stations.

Apparent Eight-Party Agreement On November Election

2. (C) At a meeting on May 31 with the Assistant Secretary for Democracy, Human Rights and Labor Barry Lowenkron and Ambassador Moriarty, Chief Election Commissioner Bhoj Raj Pokharel stated that he believed the Eight-Party Alliance, at a meeting earlier the same day, had agreed on a Constituent Assembly election date in the third week of November. (Note: The eight parties later announced their commitment to hold the election no later than December 15. End note.) However, Pokharel added that the Maoists still had reservations and wanted a republic declared first. Pokharel explained that the political situation and the security environment had made the original June election date unmanageable.

Parliament's Priority Must Be Election Legislation

3. (C) The Chief Election Commissioner told the Assistant Secretary and the Ambassador that election legislation had to

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be the Interim Parliament's first priority. He stated that the concerns of the ethnic groups in the Terai about a mixed election system had to be reflected in the legislation. (Note: The Interim Constitution provided that roughly half of the seats in the Constituent Assembly would be decided through a first-past-the-post constituency system and the other half through a proportional system.) He emphasized that in order to create the right environment for the election, a real consensus needed to be reached. The people had to be consulted and included in the process.

#### The Security Situation: The Biggest Obstacle

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14. (C) Pokharel stressed that the lack of law and order was the most critical obstacle to a successful free and fair election and commented that there were still unanswered questions regarding the Maoists, whom he referred to as the "new political party." He explained that, with the Nepal Army unavailable for election security under the terms of the peace agreement, the number of security forces available for the election would be substantially reduced. The police force, he said, had already been tested by the conflict and were highly demoralized. In light of this difficult situation, the EC intended to deploy as many election observers as possible. Pokharel optimistically commented that building local observation teams could actually be more effective than a big security force.

#### Phased Elections May Be Considered

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15. (C) In response to the Ambassador's question about the possibility of phased elections, Pokharel said that the EC was analyzing the possibility of a phased election with

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polling throughout the country occurring over several days. He explained that there were many considerations, including weather and harvest times. He stated that a decision would be made about two months before the election, and that it would depend on what happened between now and then. (Note: The last general election in 1999 took place on two different days, 10 days apart.)

#### Voter Education Critical

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16. (C) The Chief Election Commissioner stated that voter education was another important issue. He explained that this process could not begin until the election legislation had been finalized, but stressed the importance of educating the people about both the process and the importance of their participation. The level of literacy, the number of languages and Nepal's geography all added to the difficulty of reaching every potential voter. He told the Assistant Secretary and the Ambassador that the EC needed a minimum of

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120 days to implement its education program. He stressed that the Interim Parliament's failure to pass the necessary election legislation was delaying the EC's work in this area.

#### Outreach Plan

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17. (C) Pokharel described the EC's outreach plan to use civic society, mass media, printed materials and door-to-door solicitation to reach all the people of Nepal. Civil society organizations would be tasked with providing civic education programs emphasizing the importance of people's participation in the election. Mass media, including radio and television, would air public service announcements. Printed materials in 16 or 17 different languages would be distributed. In each of the nearly 4,000 Village Development Committees (VDC) at

least two volunteers, one man and one woman, would be trained to deliver "invitations" to vote to each household with information about election polling centers and voter numbers.

Pokharel emphasized the need for volunteers who spoke the local language so they could communicate with all the households. In response to the Ambassador's question regarding the methodology for finding non-partisan volunteers, the Chief Commissioner commented that, in Nepal, it was impossible to find a single non-partisan person. Instead, he stressed, the EC would train local people who would be accountable to their communities, such as teachers and health workers.

#### Physical Infrastructure Weak

18. (C) Pokharel stated that the EC estimated there would be approximately 17,500 polling stations in 7,000 to 9,000 locations. He explained that, traditionally, polling stations had been in schools, community centers, Village Development Committee offices and, when necessary located in open-air locations. He added that, during the conflict over 2,000 VDC offices had been destroyed, making it necessary for the EC to create many more open-air polling stations.

#### Comment

19. (C) Assistant Secretary Lowenkron told Chief Election Commissioner Bhoj Raj Pokharel that he was impressed with the Commission's preparations for the Constituent Assembly election. Clearly, the Commission has a comprehensive plan to manage a meaningful election. However, as Pokharel acknowledged, externalities that the EC cannot completely predict or control present real challenges. Maoist intimidation and misbehavior remain huge obstacles to the success of the election. The role of international and domestic observers will be critical. Voter education is another critical piece. However, unless the eight parties find consensus on the election process and pass the necessary

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legislation in a timely manner, the EC's well-laid plans to reach out to, and educate, Nepali voters about the up-coming election will be thwarted.

10. (U) Assistant Secretary Lowenkron has cleared this message.  
MORIARTY